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November 23, 2022

Via ECF

Hon. Philip M. Halpern
U.S. District Court for the Southern Dis
Hon. Charles L. Brieant Jr. Federal Bui
300 Quarropas Street, Room 530
White Plains, NY 10601

Application granted in part. The request to extend the deadline for the joint pretrial order is denied as moot, in light of the parties' filing on November 25, 2022 (Doc. 88). The request to extend the deadline to file the pretrial submissions required under Rules 6(B), (C), and (D) of the Court's individuals practices is granted, and the deadline is extended to January 13, 2023.

An in-person pretrial conference has been scheduled for December 12, 2022 at 9:00 a.m. to be held in Courtroom 520 of the White Plains courthouse.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
November 28, 2022

**Re: *Windward Bora LLC v. Frusciante*, No. 7:20-cv-7511 (PMH)
(S.D.N.Y.)**

Dear Judge Halpern:

We write on behalf of Defendant/Counterclaimant/Cross-Claimant Robert M. Scores in the above-captioned action, which is calendared for trial on February 22, 2023. The parties attempted to reach the Court by phone earlier due to the upcoming holiday and the time-sensitive nature of this request, which seeks an emergency extension of this Friday's deadline.

This Court recently extended the deadline for filing of the Joint Pretrial Order ("JPTO") in this matter from November 4, 2022 to November 25, 2022. We respectfully request that the Court extend the deadline for filing of the JPTO by one week to December 2, 2022. Mr. Scores's mother underwent open-heart surgery yesterday, and he is thus consumed with emergency family matters that will impede his ability to communicate with counsel regarding the JPTO. We further request that the Court extend the deadline for filing proposed findings of fact and conclusions of law, as well as witness testimony by affidavit, from December 5, 2022 to January 13, 2022. Again, Mr. Scores's severe family obligation will impede his ability to prepare his testimony.

Plaintiff/Counterclaim Defendant Windward Bora LLC consents to this request. Defendant/Cross-Claim Defendant John Frusciante has never appeared in this action, and the Clerk has entered Certificates of Default. *See* ECF Nos. 33, 50.

The deadline for filing the JPTO was previously extended once by the Court *sua sponte*. The parties have not requested, and the Court has not granted, any

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previous extensions of the deadline for filing proposed findings of fact and conclusions of law, as well as witness testimony by affidavit.

Respectfully submitted,

/s/ Max H. Siegel

Max H. Siegel

Cc: All Counsel of Record (via ECF)